S.B.Cr.Misc. Bail App. No. 5492/2007

(Devi Das Vs. State of Rajasthan)

Date of order : 15/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Sanjay Mathur for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that the petitioner is only the hotel owner and prosecutrix and other co-accused stayed in the hotel, except that there is no allegation against the petitioner.

I have carefully gone through the statement of the prosecutrix recorded under Section 164 Cr.P.C. From the perusal of the page No.3 of the statement of the prosecutrix, it appears that she was taken to the hotel of the present petitioner and she stayed in a room along with the co-accused. Except this, there is no other allegation. In this view of the matter, looking to the facts and circumstances of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is

allowed and it is directed that petitioner Devi Das S/o Sh. Mohan Das be released on bail in FIR No. 91/07 P.S. Chitari, district Dungarpur, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP